

AMENDED IN SENATE MAY 25, 2012  
AMENDED IN ASSEMBLY JANUARY 4, 2012  
AMENDED IN ASSEMBLY AUGUST 18, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1432**

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**Introduced by Assembly Member Mitchell**  
**(Principal coauthors: Assembly Members Morrell and Wieckowski)**  
**(Coauthors: Assembly Members Torres, Valadao, and Williams)**

July 12, 2011

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An act to add Section 273j to the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1432, as amended, Mitchell. Crimes.

Existing law makes it a crime for a parent or guardian of a minor child to willfully omit, without lawful excuse, clothing, food, shelter, or medical care for the child. Existing law also makes it a crime for a parent or guardian to desert a child under 14 years of age with the intent to abandon ~~him or her~~ *that child*.

This bill would ~~provide that~~ *require* a parent or guardian of a child under 14 years of age who ~~knowingly fails to report to law enforcement within 24 hours that the child has died when the death occurred under circumstances that would cause a reasonable person to believe that the death occurred as a result of a crime, or that the child has disappeared under circumstances that would lead a reasonable person to believe the child is in danger of physical harm, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to one year, a fine not to exceed \$2,000, or by both that fine and imprisonment.~~ The bill

would further provide that a parent or guardian of a child under 14 years of age who knowingly fails to notify law enforcement within 24 hours that the child has disappeared under circumstances other than those described above is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 6 months, *knows or should have known that the child has died to notify a public safety agency, as defined, within 24 hours of the time that the parent or guardian knew or should have known that the child has died, and to notify law enforcement within 24 hours of the time that a parent or guardian knows or should have known that the child is a missing person and there is evidence that the child is a person at risk, except as specified. The bill would make a violation of those provisions a misdemeanor punishable by imprisonment in a county jail for not more than one year; or by a fine not to exceed exceeding \$1,000, or by both that fine and imprisonment.* The bill would also provide that these provisions shall not preclude prosecution under any other provision of law. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known as Caylee's Law.
- 2 SEC. 2. Section 273j is added to the Penal Code, to read:
- 3 273j. (a) (1) Any parent or guardian having the care, custody,
- 4 and or control of a child under 14 years of age who knowingly
- 5 fails to notify law enforcement within 24 hours of the death of the
- 6 child if the child died under circumstances that would lead a
- 7 reasonable person to believe that the death occurred as a result of
- 8 a crime, or the disappearance of the child if the circumstances of
- 9 the child's disappearance would lead a reasonable person to believe
- 10 the child was in danger of physical harm, shall be guilty of a
- 11 misdemeanor, punishable by imprisonment in a county jail for up

1 ~~to one year, a fine not to exceed two thousand dollars (\$2,000), or~~  
2 ~~by both that fine and imprisonment.~~ *knows or should have known*  
3 *that the child has died shall notify a public safety agency, as*  
4 *defined in Section 53102 of the Government Code, within 24 hours*  
5 *of the time that the parent or guardian knew or should have known*  
6 *that the child has died.*

7 *(2) This subdivision shall not apply when a child is otherwise*  
8 *under the immediate care of a physician at the time of death, or if*  
9 *a public safety agency, a coroner, or a medical examiner is*  
10 *otherwise aware of the death.*

11 *(b) (1) Any parent or guardian having the care, custody, and*  
12 *or control of a child under 14 years of age who knowingly fails to*  
13 *notify law enforcement within 24 hours of the disappearance of*  
14 *the child under circumstances other than those described in*  
15 *subdivision (a), shall be guilty of a misdemeanor, punishable by*  
16 *imprisonment in a county jail for up to six months, a fine not to*  
17 *exceed one thousand dollars (\$1,000), or by both that fine and*  
18 *imprisonment.* *shall notify law enforcement within 24 hours of the*  
19 *time that the parent or guardian knows or should have known that*  
20 *the child is a missing person and there is evidence that the child*  
21 *is a person at risk, as those terms are defined in Section 14213.*

22 *(2) This subdivision shall not apply if law enforcement is*  
23 *otherwise aware that the child is a missing person.*

24 *(c) A violation of this section is a misdemeanor punishable by*  
25 *imprisonment in a county jail for not more than one year, or by a*  
26 *fine not exceeding one thousand dollars (\$1,000), or by both that*  
27 *fine and imprisonment.*

28 *(e)*

29 *(d) Nothing in this section shall preclude prosecution under any*  
30 *other provision of law.*

31 SEC. 3. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 the only costs that may be incurred by a local agency or school  
34 district will be incurred because this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section 17556 of  
37 the Government Code, or changes the definition of a crime within  
38 the meaning of Section 6 of Article XIII B of the California  
39 Constitution.

1 SEC. 4. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety within  
3 the meaning of Article IV of the Constitution and shall go into  
4 immediate effect. The facts constituting the necessity are:

5 In order to protect children *at the earliest possible time* from  
6 criminal acts that could lead to harm or death, it is necessary that  
7 this act take effect immediately.